



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,146	04/13/2001	Ronald A. Katz	6646-114N8	4440

35554 7590 03/18/2003

REENA KUYPER, ESQ.
BYARD NILSSON, ESQ.
9220 SUNSET BOULEVARD
SUITE 315
LOS ANGELES, CA 90069

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/835,146

Applicant(s)
Katz

Examiner
Stella Woo

Art Unit
2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 16, 2002 and Jan 10, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-85 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2643

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 52-57, 60-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger") for the same reasons given in the last Office action and repeated below.

Barger discloses a method for controlling voice-data communications comprising the steps of:

interfacing certain of a plurality of individual callers with an interface unit (callers with push-button telephones are interfaced with data coupling sets 32; col. 6, lines 35-43; col. 9, lines 20-33);

prompting callers to provide responsive signals representative of identification data (audio program repeater prompts the push-button caller to enter his account number; col. 11, lines 18-23; col. 9, lines 40-42);

Art Unit: 2643

receiving, comparing and utilizing (caller enters his account number which is compared with stored data to access a customer's record; col. 2, lines 9-12; col. 6, lines 21-26; col. 8, lines 60+; col. 9, lines 40-44; col. 11, lines 37-47);

transferring at least certain of said callers to an attended terminal (callers whose credit cannot be validated or those determined to be freeloaders or those who key in a specified code requesting operator assistance are automatically connected with an attended terminal 39; col. 9, lines 42-45; col. 11, lines 34-36; col. 9, lines 38-40); and

displaying at said attended terminal (operator's terminal displays all the data for the customer's call including any historical and credit verification data retrieved from memory; col. 5, lines 29-37; col. 6, lines 3-9, 21-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barger for the same reasons given in the last Office action and repeated below.

Art Unit: 2643

Barger differs from claims 58 and 59 in that it does not specify including the size or color of the ordered item. Although Barger is directed to the ordering of audio-related merchandise, the examiner takes Office Notice that it is notoriously well known in the art to order merchandise over the telephone lines in which color and size can be specified, such as clothing. It would have been obvious to an artisan of ordinary skill to modify the system of Barger to accommodate for the ordering of other merchandise, such as clothing, in which size and color are specified.

5. Claims 22-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. (USPN 4,797,911, hereinafter "Szlam") in view of Barger for the same reasons given in the last Office action and repeated below.

Szlam discloses a method for controlling voice-data communications comprising:

- receiving (via ANI decoder; col. 12, lines 29-39);
- cuing (via message player 10a9; col. 13, lines 1-22);
- selectively identifying (via trunk interface control unit 10a13);
- recording (account information is stored in mainframe 16); and
- transferring and displaying (col. 12, lines 55-66; col. 13, lines 18-36).

Szlam differs from claims 22-51 in that it does not specify testing for approval. However, Szlam is directed to a customer account servicing system which allows for sales transactions (placing an order from a catalog or advertisement; col. 1, lines 17-20, 45-48) and Barger teaches the desirability of testing a customer identification number (customer's account or credit card number is verified; col. 4, lines 61-67; col. 9, lines 40-45) such that it would have been obvious

Art Unit: 2643

to an artisan of ordinary skill to incorporate such testing, as taught by Barger, within the system of Szlam in order to verify a caller's credit card number before allowing order placement.

Regarding claims 23, 25-27, 31-32, Barger teaches limiting use and recognizing a first time caller (col. 11, lines 18-47).

Regarding claims 40-43, Szlam provides for storing audio signals for later playback to an operator for entry into a database (col. 17, lines 27-46).

Response to Arguments

6. Applicant's arguments filed December 16, 2002 have been fully considered but they are not persuasive.

Applicant argues that Barger does not disclose displaying certain of the data entered by the caller at the attended terminal. The examiner disagrees. Barger provides for a push-button telephone customer keying in a customer account number in response to an instruction prompt (col. 9, lines 36-42; col. 11, lines 18-23) and for displaying at an operator's display all of the data for that customer's call (col. 5, lines 30-37) which would necessarily include the customer's account number.

Art Unit: 2643

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

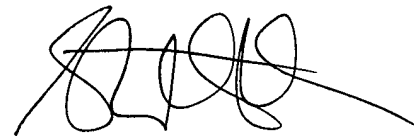
or faxed to:

(703) 872-9314; (for formal communications, please mark "EXPEDITED PROCEDURE"; and for informal or draft communications, please label "PROPOSED" or "DRAFT").

Art Unit: 2643

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

March 17, 2003

A handwritten signature in black ink, appearing to read 'Stella Woo', with a long horizontal line extending to the right.

STELLA WOO
PRIMARY EXAMINER